

PATENT  
ATTORNEY DOCKET NO.: 46884-5479

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: )  
Mitsuhara MIWA, et al. ) Confirmation No.: 7737  
Application No.: 10/580,007 ) Group Art Unit: 3768  
Filed: May 2, 2007 ) Examiner: Joel F. Brutus  
For: LYMPH NODE DETECTING )  
APPARATUS )

Sir:

**INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)**

Pursuant to 37 C.F.R. § 1.56 and 1.97(b), Applicants bring to the attention of the Examiner the documents listed on the attached PTO Form 1449. Applicants are filing concurrently herewith a Request for Continued Examination under 37 C.F.R. § 1.114 for the above-identified application. Accordingly, Applicants do not believe that a fee is due for filing this paper.

Two (2) Search Reports, both dated June 7, 2010, that issued in European patent applications and having documents cited therein is attached for the Examiner's consideration. The cited documents are listed on the attached PTO Form 1449 and copies of the cited non-U.S. patent documents are also attached hereto.

As for relevance of the listed DE 198 04 797 foreign language document, an English-language abstract is attached hereto, also its corresponding U.S. Patent No. 6,510,338 is also listed on the attached PTO Form 1449, and the relevance of the foreign language document can be understood from its citations of the document in at least one of the above-discussed European

Search Reports dated June 7, 2010.

Applicants respectfully request that the Examiner consider the listed documents and evidence that consideration by making appropriate notations on the attached PTO Form 1449.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that any of the listed documents are material or constitute "prior art." If it should be determined that any of the listed documents do not constitute "prior art" under United States law, Applicants reserve the right to present to the Office the relevant facts and law regarding the appropriate status of such documents.

Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over any of the listed documents, should any of the listed documents be applied against the claims of the present application.

**EXCEPT** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. § 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account No. 50-0573. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

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Dated: July 16, 2010

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